

Remarks

Claims 1-15 were pending in the application. Claim 8 has been amended to overcome a rejection under 35 U.S.C. § 112. Claim 16 has been added to include a deleted element of claim 8. Therefore, claims 1-16 are currently pending in the application. Reconsideration is respectfully requested.

Objection to the Drawings

The drawings have been objected to for failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the reference sign 6, mentioned in the in the description. Applicants submit herewith a Letter to Chief Draftsperson including a copy of the figures. In the letter, Applicants request that the proposed change of adding reference sign 6 to the figures be entered. The included figures illustrate the proposed change in red ink.

Therefore, Applicants respectfully submit that the objection to the drawings should be withdrawn.

Specification

The Examiner has provided guidelines that illustrate the preferred layout for the specification of a utility application which are suggested for Applicants' use. Applicants' representatives do not have an electronic copy of the application. Therefore, in the case that a Notice of Allowance results from this Amendment, Applicants respectfully request that the Examiner enter the headings in an Examiner's Amendment.

Rejections Under 35 U.S.C. § 112

Claims 8 and 9 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, claim

8 was rejected for including the word "preferably." Applicants submit that the words "preferably laterally outwardly extending" have been deleted from claim 8. Therefore, the rejection to claim 8, and claim 9 which is dependent upon claim 8, should be withdrawn.

Conversely, the element "outwardly extending" has been incorporated in new claim 16.

Claim Rejections 35 U.S.C. § 102

Claims 1-13 and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kurtz. This rejection is respectfully traversed.

Applicants respectfully submit that Kurtz fails to teach "a force which biases the outer housing from the inner component..." as recited in Applicants' independent claim 1. Instead, as seen in Figs. 1 and 2 of Kurtz, an inner component is biased toward the outer housing. Specifically, with regard to a first embodiment of Kurtz, spring 140 upwardly biases internal operator member 38 towards an outside housing. Kurtz, col. 6, lines 30-32. Further, Kurtz discloses with regard to a second embodiment, that a compression spring 192 is upwardly biased and engages a flange of the inner shaft 188, thus biasing the inner component toward an outer component. Kurtz, col. 7, lines 41-65. Therefore, for at least these reasons Kurtz fails to teach Applicants' independent claim 1.

Further, Kurtz fails to teach elements of Applicants' claim 6. Claim 6 recites, "rotation of the outer housing causes the biasing force provided by said resilient biasing means to vary." Additionally, claim 6, which depends from claim 1, necessarily includes the element of independent claim 1 of "switch means operable to provide a signal upon depression of said outer housing." Therefore, in the embodiment of claim 6 switch means are operable to provide a

signal upon depression of said outer housing and rotation of the outer housing causes the biasing force to vary.

In contrast, Kurtz discloses a push button actuator assembly 22 (Fig. 1) and a selector switch actuator assembly 23 (Fig. 2); each assembly 22 and 23 is used independently of the other with the operator assembly 24. Specifically, with regard to the push button actuator assembly, Kurtz recites, "[t]he downward movement, as illustrated in Fig. 1, of operator member 38 relative to operator body 34 causes rotational movement of operator shaft 40, and thereby movement of movable contacts 44..." Kurtz, col. 3, lines 48-52. With regard to the selector switch actuator assembly, Kurtz recites, "[r]otation of knob 184 causes rotation of cam 198. The rotation of cam 198 causes shaft 188 to move downwardly against the bias of spring 192..." Kurtz, col. 7, lines 61-63. Therefore, in Kurtz where the push button is depressed for activation of the switch, it is not rotated for adjusting the bias. Also in Kurtz, where the knob is rotated for adjusting the bias, it is also rotated for activation of the switch; it is not depressed. Therefore, Kurtz fails to teach claim 6.

Further, Kurtz fails to teach Applicants' claim 8. Applicants' claim 8 recites "a plurality of laterally extending tabs or lugs..." In the Office action at page 4, the Examiner states that the lugs of Kurtz are denoted as 88 and 90 and refers to Figs. 2 and 6. Applicants respectfully submit that elements 88 and 90 of Kurtz are longitudinally extending elements. Therefore, fail to teach the laterally extending tabs or lugs of Applicants' claimed invention.

Accordingly, Applicants respectfully submit that the rejection to claims 1, 6 and 8 should be withdrawn for at least the reasons stated above. As claims 2-14 and 16 depend, either directly or indirectly, from claim 1, Applicants submit that the rejection to these claims should be withdrawn for at least the reasons provided with regard to claim 1. As claims 7-9 depend either directly or indirectly from claim 6, the

rejection to these claims should be withdrawn for at least the reasons provided with regard to claim 6. As claims 9 and 16 depend from claim 8, the rejection to this claim should be withdrawn for at least the same reasons as claim 8.

Further, with regard to claim 15, Applicants respectfully submit that Kurtz fails to teach "resilient biasing means provided between the outer housing and inner component to bias one from the other..." As stated above with regard to claim 1, Kurtz fails to teach biasing means to bias one of the outer housing and inner component from the other.

Further, with regard to claim 15, Kurtz fails to teach or suggest a switch having "switch means operable to provide a signal upon depression of said outer housing" and "the arrangement being such that rotation of the outer housing causes spacing between the inner component and the outer housing and hence the biasing force provided by said resilient biasing means to vary." This is also explained above with regard to claim 1.

Therefore, for at least these reasons, Applicants submit that the rejection to claim 15 should be withdrawn.

Rejection Under 35 U.S.C. § 103

Claim 14 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurtz. With regard to Kurtz, the Examiner states:

Kurtz teaches substantially as claimed, but fails to describe the uses to which the switch may be put and does not specifically teach use of the switch as an item selection tool for a computer system. It is notoriously well known to use switches as an item selection tool for computer systems. Use of Kurtz's device would allow the computer to be used in conjunction with a hazardous environment [Column 1, lines 50-54]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Kurtz's device in order to provide a signal upon depression of the housing by engaging and disengaging the contacts [Abstract]. Office action, at page 5.

This rejection is respectfully traversed.

Claim 14 recites, "[u]se of a switch according to Claim 1 connected as an item selection tool for a computer system." Applicants respectfully submit that Kurtz fails to render claim 14 obvious. The switch of Kurtz is intended for use in a hazardous environment, such as where there are flammable gases or powders present. Since electrical switches can sometimes produce sparks, the switch is completely encased so that any such sparks will not lead to an explosion. In contrast, claim 14 is addressing the problem of providing different degrees of resilient biasing against which the switch actuator is movable in order to operate the switch, the solution of which allows disabled users to operate a computer. A person skilled in the art attempting to solve this problem would not have looked to the art of switches for use in hazardous environments. Even, if they had, Kurtz would not have provided the solution, since the variation of the spacing suggested by Kurtz is much too small to provide a useful force adjustability as the Applicants have provided. Moreover, the adjustability provided by the switch of Kurtz is for a completely different purpose and would have required considerable adaptation to provide the solution which is provided by the present invention. Furthermore, it is unlikely that such a complicated and expensive switch as that of Kurtz would have been considered for use with a computer selection tool. It would also have been unsuitable, since it be completely impractical to incorporate it as an item selection tool because of its size and complexity. Thus, claim 14 is patentable in view of the prior art.

Accordingly, for at least these reasons, the rejection to claim 14 should be withdrawn.

Conclusion

For at least the reasons submitted above claims 1-16 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231

Signed: Sally Azevedo  
Typed Name: Sally Azevedo  
Date: March 31, 2003

Respectfully submitted,

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Version with Markings to Show Changes Made

8. (amended) A switch according to Claim 6, wherein the inner component comprises a plurality of laterally extending [(preferably laterally outwardly extending)] tabs or lugs locatable in respective longitudinal grooves formed in an inside lateral surface of said outer housing.